

## **REMARKS**

Claims 1-3 are currently pending in this application. In the Office Action, the Examiner has rejected Claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over Kikinis (U.S. 6,243,596) in view of Tsukamoto et al. (U.S. 5,005,013) and further in view of Lagoni et al. (U.S. 6,141,058).

Please amend Claim 1 as set forth herein. No new matter has been added.

Initially, please note that it is respectfully submitted that the Examiner has improperly marked this Office Action as "Final". MPEP 706.07(b) (Final Rejection, When Proper on First Action) states, "The claims of a new application may be finally rejected in the first Office action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application." In the present Office Action the Examiner has changed the grounds of the rejection from that of the previous Office Action. Therefore, the "Final" marking must be withdrawn.

In addition, MPEP 706.07(b) goes on to state, "it would not be proper to make final a first Office action in a continuing or substitute application where that application contains material which was presented in the earlier application after final rejection or closing of prosecution but was denied entry because (A) new issues were raised that required further consideration and/or search..." In the Advisory Action dated November 28, 2005 that Examiner denied entry of the amendments that were presented after final rejection because new issues were raised that required further consideration and/or search. Therefore, the "Final" marking must be withdrawn.

On October 23 and 24, 2006 Applicants' Representative contacted the Examiner to discuss this matter. The Examiner stated that he would only entertain arguments contained in a

formal Response. It is respectfully requested that the "Final" marking of the Office Action be withdrawn.

Regarding the rejection of independent Claim 1 under §103(a), the Examiner states that Kikinis in view of Tsukamoto et al. and further in view of Lagoni et al. renders the claim unpatentable. Kikinis discloses a method and apparatus for modifying and integrating a cellular phone with the capability to access and browse the Internet; Tsukamoto et al. discloses a pager with a display function; and, Lagoni et al. discloses a television receiver having a user-editable telephone system caller-ID feature.

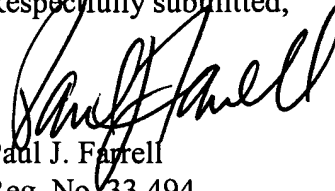
In the Response to Arguments section on page 2 of the Office Action, the Examiner states that amended Claim 1 requires only one of the three incoming call alarm modes. Claim 1 has been amended to positively recite the first, second and third call alarm modes.

Based on at least the foregoing, withdrawal the rejection of independent Claim 1 under §103(a) is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 3, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 3 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-3, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

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